

AN ORDINANCE

99411

GRANTING A LICENSE AGREEMENT TO 99 CENTS ONLY STORES TEXAS, INC., A DELAWARE CORPORATION, TO USE AND MAINTAIN AN IRREGULAR PORTION OF OLD THOUSAND OAKS DRIVE PUBLIC RIGHT OF WAY LOCATED APPROXIMATELY 850 FEET SOUTHEAST OF JONES MALTSBERGER ROAD, ADJACENT TO NCB 13732 IN COUNCIL DISTRICT 9, ("LICENSED PREMISES") FOR THE SOLE PURPOSE OF LANDSCAPING, FOR A TEN (10) YEAR TERM AND THE TOTAL CONSIDERATION OF \$5,000.00, CONTINGENT ON CONFIRMATION OF THE PURCHASE BY 99 CENTS ONLY STORES TEXAS, INC. OF THE PROPERTY ABUTTING THE LICENSED PREMISES.

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WHEREAS, 99 Cent Only Stores Texas, Inc., as Petitioner, has requested that the City grant it a license to use and maintain an irregular portion of Old Thousand Oaks Drive Public Right of Way, as further described in **SECTION 1.** below, for the sole purpose of landscaping, and the City, subject to Petitioner's compliance with any conditions to be imposed, is willing to grant such a license; and

WHEREAS, at the time of such request Petitioner was not the owner of the abutting property, thus granting of the license was contingent on such purchase, however, Petitioner has recently acquired such property; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City of San Antonio has confirmed the purchase by 99 Cents Only Stores Texas, Inc., a Delaware Corporation, of property abutting an irregular portion of Old Thousand Oaks Drive Public Right of Way located 850 feet southeast of Jones Maltsberger Road, in NCB 13732, ("Licensed Premises" as shown on Exhibit "A" attached hereto and incorporated herein verbatim for all purposes), therefore a 10-year License Agreement is hereby granted to 99 Cents Only Stores Texas, Inc., , as Licensee, for the use and maintenance of such irregular portion of Old Thousand Oaks Drive Public Right of Way for the sole purpose of landscaping, in consideration of payment of a License Fee of \$5,000.00, already received by the City from Licensee.

SECTION 2. Licensee has signed the License Agreement and a Memorandum of Lease Agreement, a copy of which is attached to the License Agreement as Exhibit "B", thus, upon confirmation that Licensee has complied with the conditions imposed by the City as set forth in a Letter of Agreement, a copy of which, also signed on behalf of Licensee, is attached to the License Agreement as Exhibit "C", the City Manager or her designee, is authorized to execute said License Agreement and Memorandum of Lease Agreement, copies of which, executed on behalf of Licensee, are affixed hereto as Attachment I and incorporated herein verbatim for all purposes.

SECTION 3. The License Fee shall be deposited into Fund No. 11-000 entitled "General Fund", Index Code No. 012732, entitled "License Agreements – Use of Right of Way".

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This ordinance shall be effective on the 4th day of July, 2004.

PASSED AND APPROVED this 24th day of June, 2004.

ATTEST:

Leticia M. Vaca
City Clerk


M A Y O R

EDWARD D. GARZA

APPROVED AS TO FORM:

Regina E. Wood
City Attorney